

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:10-CV-347-D

PAMELA MELVIN,	)	<b>ORDER</b>
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of the Social Security	)	
Administration, et al.,	)	
	)	
Defendants.	)	

On October 14, 2011, Magistrate Judge Webb issued a Memorandum and Recommendation (“M&R”) [D.E. 69]. In that M&R, Judge Webb recommended that defendant Hutchinson’s motion to dismiss [D.E. 23] be granted, that defendant Wal-Mart’s motions to dismiss [D.E. 38–40] be denied without prejudice for failure to comply with Local Civil Rule 7.1(d), that Combat’s motion to dismiss [D.E. 41] be granted, that plaintiff’s motion to voluntarily dismiss certain defendants and certain claims from her case [D.E. 45] be granted and that those claims be dismissed with prejudice, that the federal defendants’ and defendant Gamble’s motions to dismiss [D.E. 49, 58] be granted, and that plaintiff’s motions to stay, to amend, and for default judgment [D.E. 51, 63, 66] be denied. Judge Webb also ordered that plaintiff’s motion for defendant Hutchinson to provide a more definite statement [D.E. 27] be denied, ordered that plaintiff’s motion to compel [D.E. 47] be denied, and that discovery be stayed. On October 25, 2011, plaintiff filed a motion for clarification of the M&R [D.E. 70]. On November 2, 2011, plaintiff filed objections to the M&R [D.E. 71]. On November 15 and 16, 2011, defendants responded to plaintiff’s objections [D.E. 72, 73].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis removed) (quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, plaintiff’s objections, and defendants’s responses. As for those portions of the M&R to which plaintiff did not object, the court is satisfied that there is no clear error on the face of the record. As for the objections, the court has reviewed the objections and the M&R de novo, plaintiff’s objections are overruled.

This court agrees with the conclusions in Judge Webb’s thorough analysis and adopts them as its own.

On October 25, 2011, plaintiff filed a motion for clarification of the M&R [D.E. 70]. On November 18, 2011, plaintiff filed a motion to withdraw [D.E. 74] her motion to dismiss [D.E. 45]. On December 2, 2011, plaintiff filed a motion and supporting memorandum for sanctions against an Assistant United States Attorney [D.E. 75, 77]. On the same day, the United States responded [D.E. 76]. The court has considered the motions. Plaintiff’s motion to withdraw [D.E. 74] is denied as moot. Plaintiff’s motion for clarification of the M&R [D.E. 70] is denied. Plaintiff’s motion for sanctions [D.E. 75] is denied.

In sum, the court adopts the M&R [D.E. 69]. Plaintiff’s objections to the M& R [D.E. 71] are OVERRULED. Defendant Hutchinson’s motion to dismiss [D.E. 23] is GRANTED. Defendant

Wal-Mart's motions to dismiss [D.E. 38-40] are DENIED WITHOUT PREJUDICE. Defendant Combat's motion to dismiss [D.E. 41] is GRANTED. Plaintiff's motion to voluntarily dismiss certain defendants and certain claims from her case [D.E. 45] is GRANTED and those claims are DISMISSED WITH PREJUDICE. The federal defendants' and defendant Gamble's motions to dismiss [D.E. 49, 58] are GRANTED. Plaintiff's motions to stay, to amend, and for default judgment [D.E. 51, 63, 66] are DENIED. Plaintiff's motion for defendant Hutchinson to provide a more definite statement [D.E. 27] is DENIED. Plaintiff's motion to compel [D.E. 47] is DENIED. Discovery is STAYED. Plaintiff's motion to withdraw [D.E. 74] is DENIED AS MOOT. Plaintiff's motion for clarification of the M&R [D.E. 70] is DENIED. Plaintiff's motion for sanctions [D.E. 75] is DENIED. All claims are dismissed except those claims alleged against Wal-Mart.

SO ORDERED. This 16 day of December 2011.



James C. Dever III  
JAMES C. DEVER III  
Chief United States District Judge